

**IN THE UNITED STATES COURT OF APPEALS
FOR VETERANS CLAIMS**

AMANDA J. WOLFE,

Petitioner,

and

DOUGLAS REDWOOD,

TERRANCE FOWLER,

JAMES LEPANT,

JOHN JELEN,

KENNETH SCHMIDT, and

STEVEN BUTLER,

individually and on behalf of others

similarly situated,

Movants,

v.

DENIS MCDONOUGH,

in his capacity as Secretary of Veterans

Affairs,

Respondent.

Vet. App. No. 18-6091

**MOTION FOR LEAVE TO
EXCEED PAGE LIMIT FOR THE SECOND AMENDED PETITION**

Pursuant to U.S. Vet. App. Rule 27(a), Movants Douglas Redwood, Terrance Fowler, James LePant, John Jelen, Kenneth Schmidt, and Steven Butler, individually and on behalf of others similarly situated, (“Movants”), respectfully move for leave to exceed

the 20-page limit in Rule 21(b) for petitions for extraordinary relief. Specifically, Movants request leave to file a Second Amended Petition of up to 35 pages in length.

On May 16, 2023, Movants filed a petition for class relief in the nature of a writ of mandamus pursuant to Rule 21 on behalf of two classes of veterans, identified by the U.S. Department of Veterans Affairs (VA) as members of the class certified in *Wolfe v. Wilkie*, 32 Vet. App. 1 (2019) (“*Wolfe*”), *reversed in part by Wolfe v. McDonough*, 28 F.4th 1348 (Fed. Cir. 2022) (“*Wolfe II*”). In the petition, Movants request relief from VA’s unreasonable delay in readjudicating their pending claims for reimbursement of emergency medical expenses, claims that VA had previously denied in part for the stated reason that these expenses were non-reimbursable coinsurance owed under their non-VA health insurance plans.

Despite the Court’s 2019 order compelling readjudications, the overwhelming majority of the 74,432 *Wolfe* class members are still waiting for a final decision on their reimbursement claims. For members of the first putative class in the second amended petition, certain claims are ready for a decision, but VA has failed to issue one. For members of the second putative class, claims are not yet ready for decision because the Secretary has delayed complying with his statutory duty to assist veterans in substantiating their claims by not obtaining relevant Explanations of Benefit forms directly from the veteran’s insurance carrier. These facts are discussed more fully in Petitioners’ Second Amended Petition for Individual and Class Relief in the Nature of a Writ of Mandamus.

In order to allow a full opportunity to address the complex issues at stake, Movants request an additional fifteen pages for the amended petition. Petitioners have contacted

counsel for Respondent Secretary of Veterans Affairs McDonough (“the Secretary”) regarding this motion, who has stated that VA opposes the motion.

WHEREFORE, Movants respectfully move the Court to grant this motion and allow Movants to exceed the page limit and file a Second Amended Petition of up to 35 pages for the amended petition.

Respectfully submitted,

Date: May 16, 2023

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